

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FRED HERNANDEZ,

Petitioner,

V.

NEVADA SOUTHERN DETENTION
CENTER,

Respondents.

Case No.: 2:25-cv-00060-APG-DJA

**Order Denying, Without Prejudice, Motion
to Vacate, Set Aside, or Correct Sentence
and
Ordering Motion Filed in Other Case**

[ECF No. 12]

This action was initiated, *pro se*, by Fred Hernandez, on January 10, 2025, as a petition for writ of habeas corpus under 28 U.S.C. §2241. I summarily dismissed the action on January 15, 2025, ruling that I was without jurisdiction to entertain a challenge to a civil contempt order of another judge of this Court under section 2241. ECF Nos. 4, 5. Hernandez filed a notice of appeal, and an application to proceed *in forma pauperis* on appeal. ECF Nos. 6, 7. I denied Hernandez's application to proceed *in forma pauperis* on appeal on January 28, 2025, ECF No. 9.

On March 7, 2025, Hernandez filed a Motion to Vacate, Set Aside, or Correct a Sentence by a Person in Federal Custody under 28 U.S.C. § 2255. ECF No. 12. That motion is inappropriately filed in this case. A motion under section 2255 must be filed “in the court which imposed the sentence.” 28 U.S.C. § 2255(a). Moreover, this case is closed and on appeal before the Ninth Circuit Court of Appeals. I will deny the motion, without prejudice.

1 It may be that Hernandez meant to file his motion in Case No. 2:22-cv-00876-
2 GMN-NJK. *See* ECF No. 12 at 2–4. I will therefore direct the Clerk of the Court to file a copy of
3 the motion in that case.

4 **I THEREFORE ORDER** that Petitioner’s Motion to Vacate, Set Aside, or Correct a
5 Sentence by a Person in Federal Custody under 28 U.S.C. § 2255 [ECF No. 12] is **DENIED**
6 **without prejudice.**

7 **I DIRECT** the Clerk of the Court to file a copy of Petitioner’s Motion to Vacate,
8 Set Aside, or Correct a Sentence by a Person in Federal Custody under 28 U.S.C. § 2255
9 [ECF No. 12] in Case No. 2:22-cv-00876-GMN-NJK.

10 Dated: April 1, 2025



11 ANDREW P. GORDON
12 CHIEF UNITED STATES DISTRICT JUDGE
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